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June 30, 1998

Lester Snow, Program Director  
CALFED Bay-Delta Program  
1416 Ninth Street, Suite 1155  
Sacramento, CA 95814

Dear Mr. Snow:

Subject: Comments on the Draft Programmatic EIR/EIS for the CALFED Bay-Delta Program

Alameda County Water District (ACWD) is pleased to have the opportunity to comment on the Draft Programmatic EIR/EIS for the CALFED Bay-Delta (Draft EIR/EIS). ACWD serves drinking water to over 290,000 San Francisco Bay Area residents in the cities of Newark, Union City and Fremont. As a water retailer, it is our mission to provide a reliable supply of high quality water at a reasonable cost to our customers. A viable Bay-Delta solution is especially important to ACWD since the State Water Project, from the southern Delta, supplies more than half of the water served to our customers. ACWD also imports another 30 percent of its supplies from the San Francisco Hetch-Hetchy system which is tributary to the Bay-Delta.

ACWD applauds CALFED for providing a fresh approach to resolving historic "water war" disputes and restoring the Bay-Delta. ACWD will support the CALFED alternative that best achieves all four objectives of the CALFED planning effort while satisfying CALFED's six solution principles. It is particularly important to ACWD that all stakeholders "get better together".

ACWD is a member of the California Urban Water Agencies (CUWA) and supports CUWA's principles for the Bay-Delta solution. ACWD also supports the Ag-Urban principles for the Bay-Delta solution. Rather than reiterate those principles, the following general comments are on those issues which are critical to ACWD: water quality, water supply reliability, water supply vulnerability, demand management, and implementation and staging of alternatives. These general comments are preceded by a discussion of ACWD's Bay-Delta Solution Principles (adopted by the ACWD Board of Directors on May 14, 1998), and an assessment of the proposed CALFED alternatives, based on these solution principles.

**ACWD BAY-DELTA SOLUTION PRINCIPLES**

To assist us in responding to the Draft EIR/EIS, a set of Bay-Delta solution principles were

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developed and adopted by the ACWD Board of Directors on May 14, 1998. These principles commit ACWD to a CALFED solution which:

1. *Provides the highest quality drinking water source reasonably available, such that currently available advanced water treatment technology can meet probable future health-related drinking water standards. To that end, the source water provided for drinking water by CALFED's solution should have concentrations less than 3.0 mg/L of total organic carbon and less than 50 µg/L of bromide.*
2. *Results in a supply in which total dissolved solids (TDS) do not widely vary, affecting water taste and appearance.*
3. *Improves the reliability of the District's imported supply from the State Water Project and does not preclude the development of additional future water supplies which may be transported via the Bay-Delta. The CALFED solution should provide a supply that provides a minimum allocation of 65% of ACWD's State Water Project contractual entitlement.*
4. *Maximizes the restoration of the Delta's ecosystem based on programs and projects that are sound and scientifically justifiable.*
5. *Provides an affordable solution based on the principle that the stakeholders/beneficiaries pay for the benefits they receive from the program.*
6. *Recognizes that the health of the Bay-Delta system, drinking water quality and reliability of water supplies for the residents and businesses of ACWD's service area are inextricably linked.*
7. *Assures that all stakeholders progress on an equal basis. That is, ACWD will only support a CALFED solution that provides ecosystem benefits and water user benefits in improving drinking water quality and water supply reliability.*
8. *Includes assurances that the water supply quality and reliability paid for by water users, as part of the Bay-Delta solution, will continue. That is, a "deal is a deal" which, at a minimum should provide the flexibility to protect water supply adequacy and reliability from future endangered species actions.*
9. *Promotes cost-effective water conservation relying on locally determined actions.*
10. *Provides urban areas the certainty that a solution can restore adequate deliveries within three months of a major seismic or other catastrophic event causing supply outage in the Delta.*

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## **GENERAL COMMENTS**

### **Water Quality**

The single most critical issue for ACWD is drinking water quality and the protection of public health. As a drinking water source, water from the Bay-Delta is of very poor quality compared to national averages. As water travels through the Delta, its quality degrades as it mixes with drainage from cities and farms and with seawater intrusion from the San Francisco Bay. As a result, the quality of water in the southern Delta, where over 20 million Californians (including ACWD customers in the south San Francisco Bay Area) obtain their water supply, is inferior to the quality obtainable above the Delta. Poor quality source water increases public health risks and requires far more costly treatment that drives up water rates (with potentially significant impacts to the state's economy).

To assure its customers a high quality drinking water supply, ACWD has already invested in advanced water treatment technology to deal with the quality of water exported from the southern Delta. Our 28 mgd ozonation-biological filtration treatment facility cost \$47 million. Yet, ACWD's advanced treatment facility currently does not meet the expected Stage 1 disinfection by-product standards to be promulgated in the fall of 1998. For example, bromate levels in our treated water periodically exceed the proposed Stage 1 standard for bromate. Plus, maximum contaminant levels for bromate and other brominated disinfection byproducts, due to their health risks, are expected to be lowered even further in the Stage 2 regulations. Even the best available technology, for technical and economic reasons, may not be able to meet future drinking water standards without a sufficient improvement in source water quality in the Delta.

When evaluating alternatives for Bay-Delta solutions including drinking water supply sources, the alternative selected should include the highest quality source reasonably available. This long-standing sanitary engineering principle has proven invaluable over time to assure protection of public health as drinking water standards increase in number and become more stringent. Water in the Delta is affected by urban stormwater and wastewater effluent from cities, agricultural drainage from farms, and tidal mixing that carry salts such as bromide into the Delta from the ocean. To provide the source water quality needed by California cities, CALFED's solution must either significantly reduce these impacts or provide a source not affected by such contaminants.

Towards that end, CUWA convened a panel of nationally recognized drinking water quality experts to determine the required criteria for total organic carbon and bromide that will allow utilities treating Delta water to comply with current and probable future drinking water regulations utilizing available advanced technology. In its Bay-Delta Water Quality Evaluation - Draft Final Report the expert panel concluded that source water quality provided by CALFED's solution should have concentrations less than 3.0 mg/L for TOC and less than 50 µg/L for bromide.

### **Water Supply Reliability**

ACWD recently completed an Integrated Resources Planning Study (IRP) to develop a long-term

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water resources plan (Plan). The Plan identifies a supply shortfall of up to 46,000 AF/yr during critically dry years by the year 2030. This assumes that customers, after implementation of an aggressive water conservation program, will cut their demand by an additional 10% during critically dry years.

The Plan calls for the implementation of several local projects to reduce ACWD's dependency upon imported supplies. Projects to be implemented include demand management, desalination of brackish groundwater, wastewater reclamation, and additional storage to bank water in wet years for use in dry years. These projects are expected to cover over half of the identified shortfall. However, even with these local projects and an aggressive demand management program, ACWD will still need to improve the current availability and reliability of its existing imported supplies. Specifically, ACWD needs to receive 65% of its entitlements from the State Water Project supplies during critically dry years (this compares to the 30% allocation in 1991 during the most recent drought).

While we do not expect the CALFED Bay-Delta solution to solve all of our water supply problems, the solution needs to facilitate the water supply availability and reliability of urban water supplies to support California's \$800 billion economy that would rank seventh among the world's industrial nations.

### **Water Supply Vulnerability**

The Delta provides more than 50% of ACWD's water supply. To ensure that ACWD can provide a continuous supply to its customers, it is essential that there be no long-term interruptions in this supply. To this end, the Delta supply must be protected from major seismic events which could inundate much of the Delta with high salinity water. To avoid unreasonable demand reductions which would cause severe economic hardships, it is important for the Bay-Delta solution to assure outages of the existing Delta supply of no more than three months. This scenario would require that Lake Del Valle, the only storage on the South Bay Aqueduct, be drawn down to its minimum pool, which also has environmental and recreational impacts.

### **Demand Management**

ACWD recognizes the need for "assurances" that are to be tied to an overall CALFED Bay-Delta solution. Towards that end, we support the efforts of the California Urban Water Agencies/ Environmental Water Caucus (CUWA/EWC) to develop a framework for assuring urban water use efficiency through appropriate level of implementation of Best Management Practices (BMPs). A key component of the proposed CUWA/EWC framework (and also included in the original MOU) is the provision that agencies will not be required to implement BMPs which are not cost-effective for that particular agency. If CALFED is to assume that all agencies will implement all BMPs, then CALFED should also ensure adequate financial support to those agencies in which full BMP implementation is not cost-effective. Similarly, if CALFED is also assuming that agencies will implement water conservation measures beyond the existing BMPs, then CALFED should also provide the necessary funding to ensure that it is cost-effective for agencies to implement these measures.

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ACWD also supports the California Urban Water Conservation Council (CUWCC) as an appropriate entity to review and "certify" agencies' water conservation programs. However, the focus of the certification program should be on providing the technical and funding assistance that agencies will need to fully comply with the terms of the MOU. Penalties for non-compliance should only be used as a last resort, after all positive incentives have been exhausted. In addition, once a CALFED certification program is in place, CALFED programs which would provide water supply benefits to agencies should not be conditional on a "target" level of agencies achieving certification. In other words, agencies who act in good faith to achieve water conservation compliance should not be "penalized" due to the inaction of other agencies.

ACWD does not support the use of the CUWCC to evaluate Urban Water Management Plans and/or water recycling programs (i.e. include water recycling as a BMP). Both Urban Water Management Plans and water recycling programs include components that are significantly different from urban water conservation issues, and the CUWCC does not have the technical or policy level of expertise to review these programs.

#### **Implementation and Staging Issues**

We understand that CALFED staff is currently considering the nature of the decision to be made at the end of this environmental review phase and also the implementation options, including staged decision making or staged implementation of the Bay-Delta solution with triggers for certain elements. ACWD agrees with CALFED's proposed staged implementation of the preferred alternative contained in the June 17, 1998 "Draft Preferred Alternative Program", as long as planning for all facilities in all three alternatives continues after the completion of the programmatic EIR/EIS. This is especially important due to the long lead time required for detailed planning, permits, cost estimating, land acquisition, and construction of facilities. This course of action will help to minimize any delay between the implementation of new drinking water standards and the ultimate Bay-Delta water supply solution. If during the stage 1 program, any one of the alternatives has proven to meet the objectives, then aspects of the other alternatives could be eliminated at that time. To not proceed now with the planning for all proposed facilities could force drinking water utilities to implement unnecessarily expensive treatment technologies (that are not yet technically or economically proven on a large scale) solely because of a delay in the implementation of potentially necessary facilities.

Thank you for the opportunity to comment on the CALFED Programmatic EIR/EIS. We look forward to a CALFED package that provides an equitable and affordable solution to the Bay-Delta problems, and meets all of the objectives of the CALFED planning effort.

Very truly yours,



Paul Piraino  
General Manager